

EXHIBIT A

16-24-16 @ 115

SUMMONS

(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**JH CAPITAL GROUP, LLC; Does 1-10 inclusive****YOU ARE BEING SUED BY PLAINTIFF:**
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**JAMES BATTAGLIERI**

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)**ELECTRONICALLY FILED BY**
Superior Court of California,
County of Monterey
On 10/17/2016 10:48:02 AM
By: Lisa Dalia, Deputy**NOTICE:** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/sephelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit offices at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/sephelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. AVISO: Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en este caso y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar firmada legalmente y decir que procesan su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión de abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$1,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda deschar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of Monterey

CASE NUMBER:
(Número del Caso): 16CV003240

1200 Aguajito Road
Monterey, CA 93940

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Todd M. Friedman, 21550 Oxnard St., Suite 780, Woodland Hills, CA 91367, 877-206-4741

TERESA A. RIST

DATE: 10/17/2016
(Fecha)Clerk, by _____ /s/ Lisa Dalia _____ Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (Form POS-010).)
(Para la prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify): **JH Capital Group, LLC**

Under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservator)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):

4. by personal delivery on (date):

Print Adopted for Standard Use
Judicial Council of California
SAC-100 (Rev. July 1, 2005)

SUMMONS

Page 1 of 1
Code of Civil Procedure §§ 412.20, 465
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1 Todd M. Friedman (216752)
2 Adrian R. Bacon (280332)
3 Law Offices of Todd M. Friedman, P.C.
4 21550 Oxnard St., Suite 780
5 Woodland Hills, CA 91367
6 Phone: 877-206-4741
7 Fax: 866-633-0228
8 tfriedman@toddflaw.com
9 abacon@toddflaw.com
10 Attorneys for Plaintiff

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 10/17/2016 10:48:02 AM.
By: Lisa Dalia, Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF MONTEREY
10 UNLIMITED JURISDICTION

11 JAMES BATTAGLIERI,) CASE NO.: 16CV003240
12 Plaintiff,) COMPLAINT
13 -vs-) 1. Violation of Rosenthal Fair Debt Collection Practices Act
14) 2. Violation of the Federal Fair Debt Collection Practices Act
15 JH CAPITAL GROUP, LLC; Does 1-10 16 inclusive,) 3. Violation of California Consumer Credit Reporting Agencies Act
17 Defendant(s).) (Amount to Exceed \$25,000)

18 I. INTRODUCTION

19 1. This is an action for damages brought by an individual consumer for Defendant's
20 violations of the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code §1788, *et seq.*
21 (hereinafter "RFDCPA") and the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692,
22 *et seq.*, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair
23 practices; and for Defendant's violations of the California Consumer Credit Reporting Agencies
24 Act, California Civil Code § 1785.25 (a) (hereinafter "CA CCRA"), which regulate the
25 collection, dissemination, and use of consumer information, including consumer credit
26 information

27 //
28 ///

II. PARTIES

2. Plaintiff, JAMES BATTAGLIERI ("Plaintiff"), is a natural person residing in MONTEREY County in the state of California, and is a "debtor" as defined by Cal Civ Code §1788.2(h). Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3).

5 3. At all relevant times herein, Defendant, JH CAPTIAL GROUP, LLC,
6 ("Defendant"), was a company engaged, by use of the mails and telephone, in the business of
7 collecting a debt from Plaintiff which qualifies as a "debt," as defined by 15 U.S.C. §1692a(5)
8 and as a "consumer debt," as defined by Cal Civ Code §1788.2(f). Defendant regularly attempts
9 to collect debts alleged to be due another, and therefore is a "debt collector" as defined by the FDCPA,
10 15 U.S.C. §1692a(6), and the RFDCPA, Cal Civ Code §1788.2(c). Further,
11 Defendant regularly provides information to consumer reporting agencies and is therefore an
12 "information furnisher" as defined by the CA CCRA.

III. FACTUAL ALLEGATIONS

14 4. At one or more times prior to the filing of the instant complaint, including within
15 the one year preceding the filing of this complaint, Defendant reported derogatory information
16 on Plaintiff's credit report. Defendant alleges that Plaintiff owes a past due balance. However,
17 Plaintiff is informed, upon valid information and belief, that the reporting is inaccurate.

18 5. On or around September 28, 2011 Northland Group, Inc. made an inaccurate
19 credit report regarding the same account as Defendant.

20 6. Plaintiff sent a dispute letter to Northland Group, Inc., on October 18, 2011,
21 requesting a validation of the debt.

22 7. As the reporting was inaccurate, Northland Group, Inc. removed the credit
23 reporting after Plaintiff's dispute letter.

24 8. Almost five years later, Defendant began to report on Plaintiff's credit report on
25 the same account that was already determined to be inaccurate.

26 9.. Prior to the reporting, Defendant made no attempt to contact Plaintiff regarding
27 the alleged debt, provided a validation of the debt, or allowed Plaintiff the opportunity to resolve
28 the issue.

10. Due to the reporting, Plaintiff suffered emotional stress and a tarnished credit
1 score that could, will, and/or will continue to, prevent him from certain purchases and/or loans.

11. Due to the above actions, Plaintiff retained counsel. On June 23, 2016, Plaintiff's
4 counsel sent a notice of representation to Defendant. Defendant has failed to respond favorably
5 to Plaintiff's counsel's letter at this time.

12. Defendant's conduct violated the RFDCPA and FDCPA in multiple ways,
7 including but not limited to:

- 8 a) Falsely representing the character, amount, or legal status of Plaintiff's debt (§
9 1692e(2)(A));
- 10 b) Communicating or threatening to communicate credit information which is
known or which should be known to be false (§ 1692e(8));
- 11 c) Using false representations and deceptive practices in connection with collection
12 of an alleged debt from Plaintiff (§ 1692e(10));
- 13 d) Using unfair or unconscionable means against Plaintiff in connection with an
attempt to collect a debt (§ 1692f);
- 14 e) Collecting an amount from Plaintiff that is not expressly authorized by the
agreement creating the debt (§ 1692f(1));
- 15 f) Collecting an amount from Plaintiff that is not permitted by law (§ 1692f(1));

16. As stated, Defendant has also been providing derogatory and inaccurate
17 statements and information relating to Plaintiff and Plaintiff's credit history to various credit
18 reporting agencies, as that term is defined by 15 U.S.C. 1681a(f).

19. Defendant is aware that the credit reporting agencies to which they are providing
20 this information are going to disseminate this information to various other persons or parties who
21 will be reviewing this information for the purpose of extending credit, insurance or employment.

22. As a result of Defendant's inaccurate reporting of Plaintiff's accounts, Plaintiff's
23 credit score decreased. Prior to Defendant's reporting, Plaintiff's credit score was approximately
24 792 but as a result of Defendant's derogatory reporting Plaintiff's credit score is currently at 650.
25 This is major decrease, dropping Plaintiff's rating from "excellent" to "average or fair." Plaintiff
26 was and/or will be denied future loans due to the derogatory items placed by Defendant on

1 Plaintiff's credit report. In fact, on or around August 11, 2016, Plaintiff received a credit line
2 review from one of his creditors to increase his credit. However, Plaintiff was denied as a result
3 of Defendant's reporting.

4 16. Plaintiff is also suited for high executive level positions with a large amount of
5 financial control. However, due to Defendant's reporting, Plaintiff has appeared irresponsible
6 and was disqualified from various job opportunities. The inaccurate information negatively
7 reflects upon the Plaintiff, Plaintiff's credit repayment history, Plaintiff's financial responsibility
8 as a debtor and Plaintiff's credit worthiness.

9 17. The credit reports have been and continue to be disseminated to various persons
10 and credit grantors, both known and unknown.

11 18. Plaintiff has been damaged, and continues to be damaged, in the following ways:

- 12 a. Denied credit line increases;
- 13 b. Denied multiple job opportunities;
- 14 c. Emotional distress and mental anguish associated with having incorrect
derogatory personal information transmitted about Plaintiff to other people
both known and unknown; and
- 15 d. Decreased credit score which may result in inability to obtain credit on future
attempts.

16 19. At all times pertinent hereto, Defendant was acting by and through its agents,
17 servants and/or employees who were acting within the course and scope of their agency or
18 employment, and under the direct supervision and control of Defendant herein.

19 20. At all times pertinent hereto, the conduct of Defendant, as well as that of its
agents, servants and/or employees, was malicious, intentional, willful, reckless, and in grossly
20 negligent disregard for federal and state laws and the rights of Plaintiffs herein.

21 21. Defendant's conduct was a direct and proximate cause, as well as a substantial
factor, in causing the injuries, damages and harm to Plaintiff that are outlined more fully above,
22 and as a result, Defendant is liable to compensate Plaintiff for the full amount of statutory,
actual and punitive damages, along with attorneys' fees and costs, as well as such other relief
23 permitted by law.

24 22. As a result of the above violations of the RFDCPA, FDCPA, and CA CCRA,
25 Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,

1 embarrassment, mental anguish and emotional distress, and Defendant is liable to Plaintiff for
2 Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

3 **COUNT I: VIOLATION OF ROSENTHAL**
4 **FAIR DEBT COLLECTION PRACTICES ACT**

- 5 23. Plaintiff reincorporates by reference all of the preceding paragraphs.
6 24. To the extent that Defendant's actions, counted above, violated the RFDCPA,
7 those actions were done knowingly and willfully.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the
10 Defendant for the following:

- 11 A. Actual damages;
12 B. Statutory damages for willful and negligent violations;
13 C. Costs and reasonable attorney's fees; and
14 D. For such other and further relief as may be just and proper.

15 **COUNT II: VIOLATION OF FEDERAL**
16 **FAIR DEBT COLLECTION PRACTICES ACT**

- 17 25. Plaintiff reincorporates by reference all of the preceding paragraphs.
18 26. To the extent that Defendant's actions, counted above, violated the FDCPA, those
19 actions were done knowingly and willfully.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the
22 Defendant for the following:

- 23 A. Actual damages;
24 B. Statutory damages for willful and negligent violations;
25 C. Costs and reasonable attorney's fees; and
26 D. For such other and further relief as may be just and proper.

27 **COUNT III: VIOLATION OF THE CALIFORNIA CONSUMER CREDIT**
28 **REPORTING AGENCIES ACT**

- 29 27. Plaintiff incorporates by reference all of the proceeding paragraphs.

1 28. California Civil Code § 1785.25 (a) states that a "person shall not furnish
2 information on a specific transaction or experience to any consumer credit reporting agency if
3 the person knows or should know the information is incomplete or inaccurate."

4 29. California Civil Code § 1785.25 (b) states that a furnisher that determines a
5 report to a credit reporting agency is not accurate or complete shall promptly notify the
6 consumer reporting agency of that determination and provide corrections to the consumer
7 reporting agency that is necessary to make the information complete and accurate.

8 30. California Civil Code § 1785.25 (c) provides that if the completeness or
9 accuracy of any information on a specific transaction or experience provided to a consumer
10 reporting agency is disputed by the consumer, the furnisher may not continue reporting the
11 information unless it provides a notice to the consumer reporting agency that the information is
12 disputed by the consumer.

13 31. Defendant negligently and willfully furnished information to the credit reporting
14 agencies it knew or should have known was inaccurate.

15 32. Based on these violations of Civil Code § 1785.25 (a), Plaintiff is entitled to the
16 remedies afforded by Civil Code § 1785.31, including actual damages, attorney's fees, pain and
17 suffering, injunctive relief, and punitive damages in an amount not less than \$100 nor more than
18 \$5,000, for each violation as the Court deems proper.

19

20 PRAYER FOR RELIEF

21 WHEREFORE, Plaintiff respectfully requests that judgment be entered against
22 Defendant for the following:

- 23 (a) Actual damages;
24 (b) Statutory damages;
25 (c) Costs and reasonable attorney's fees;
26 (d) For such other and further relief as the Court may deem just and proper.
27 ///
28 ///
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1
2 PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY
3
4

5 Respectfully submitted this 15th day of October, 2016
6
7

8 By:

9 Todd M. Friedman, Esq.
10 Law Offices of Todd M. Friedman, P.C.
11 Attorney for Plaintiff
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<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Todd M. Friedman, Esq. SBN 216752 Law Offices of Todd M. Friedman 21550 Oxnard St., Suite 780 Woodland Hills, CA 91367 TELEPHONE NO. 877-206-4741 FAX NO. 866-633-0228</p> <p>ATTORNEY FOR (Name): Plaintiff, JAMES BATTAGLIERI</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Monterey STREET ADDRESS: 1200 Aguajito Road MAILING ADDRESS: 1200 Aguajito Road CITY AND ZIP CODE: Monterey, CA 93940</p> <p>BRANCH NAME:</p> <p>CASE NAME: James Battagliieri v. JH Capital Group, LLC</p>	CM-010 FOR COURT USE ONLY								
ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 10/17/2016 10:48:02 AM By: Lisa Dalia, Deputy									
CIVIL CASE COVER SHEET <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"> <input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> Limited (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less) </td> <td style="width: 50%;"> Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) </td> </tr> <tr> <td colspan="2" style="text-align: right; padding-top: 5px;"> CASE NUMBER: 16CV003240 </td> </tr> <tr> <td colspan="2" style="text-align: right; padding-top: 5px;"> JUDGE: </td> </tr> <tr> <td colspan="2" style="text-align: right; padding-top: 5px;"> DEPT: </td> </tr> </table>		<input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> Limited (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: 16CV003240		JUDGE:		DEPT:	
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CASE NUMBER: 16CV003240									
JUDGE:									
DEPT:									

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

- Auto Tort
 - Auto (22)
 - Uninsured motorist (46)
- Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
 - Asbestos (04)
 - Product liability (24)
 - Medical malpractice (45)
 - Other PI/PD/WD (23)
- Non-PI/PD/WD (Other) Tort
 - Business tort/unfair business practice (07)
 - Civil rights (08)
 - Defamation (13)
 - Fraud (16)
 - Intellectual property (19)
 - Professional negligence (25)
 - Other non-PI/PD/WD tort (35)
- Employment
 - Wrongful termination (38)
 - Other employment (15)

- | | |
|--|---|
| Contract <ul style="list-style-type: none"> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (08) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403) |
| Real Property <ul style="list-style-type: none"> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) | <ul style="list-style-type: none"> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) |
| Insurance coverage claims arising from the above listed provisionally complex case types (41) | |
| Unlawful Detainer <ul style="list-style-type: none"> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) | Enforcement of Judgment <ul style="list-style-type: none"> <input type="checkbox"/> Enforcement of judgment (20) |
| Judicial Review <ul style="list-style-type: none"> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) | Miscellaneous Civil Complaint <ul style="list-style-type: none"> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) |
| Miscellaneous Civil Petition <ul style="list-style-type: none"> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43) | |

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary

b. nonmonetary; declaratory or injunctive relief

c. punitive

4. Number of causes of action (specify): 3

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 14, 2016

Todd M. Friedman

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*If the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
- Asbestos Property Damage
- Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
- Medical Malpractice—Physicians & Surgeons
- Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
- Premises Liability (e.g., slip and fall)
- Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
- Intentional Infliction of Emotional Distress
- Negligent Infliction of Emotional Distress
- Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (18)
- Intellectual Property (19)
- Professional Negligence (25)
- Legal Malpractice
- Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)
- Employment
- Wrongful Termination (36)
- Other Employment (15)

CASE TYPES AND EXAMPLES

Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Breach of Rental/Lease	Construction Defect (10)
Contract (<i>not unlawful detainer or wrongful eviction</i>)	Claims Involving Mass Tort (40)
Contract/Warranty Breach—Seller Plaintiff (<i>not fraud or negligence</i>)	Securities Litigation (28)
Negligent Breach of Contract/Warranty	Environmental/Toxic Tort (30)
Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (08)	Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41)
Collection Case—Seller Plaintiff	Enforcement of Judgment
Other Promissory Note/Collections Case	Enforcement of Judgment (20)
Insurance Coverage (<i>not provisionally complex</i>) (18)	Abstract of Judgment (Out of County)
Auto Subrogation	Confession of Judgment (<i>non-domestic relations</i>)
Other Coverage	Sister State Judgment
Other Contract (37)	Administrative Agency Award (<i>not unpaid taxes</i>)
Contractual Fraud	Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Contract Dispute	Other Enforcement of Judgment Case
Real Property	Miscellaneous Civil Complaint
Eminent Domain/Inverse Condemnation (14)	RICO (27)
Wrongful Eviction (33)	Other Complaint (<i>not specified above</i>) (42)
Other Real Property (e.g., quiet title) (26)	Declaratory Relief Only
Writ of Possession of Real Property	Injunctive Relief Only (<i>non-harassment</i>)
Mortgage Foreclosure	Mechanics Lien
Quiet Title	Other Commercial Complaint Case (<i>non-tort/non-complex</i>)
Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>)	Other Civil Complaint (<i>non-tort/non-complex</i>)
Unlawful Detainer	Miscellaneous Civil Petition
Commercial (31)	Partnership and Corporate Governance (21)
Residential (32)	Other Petition (<i>not specified above</i>) (43)
Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)	Civil Harassment
Judicial Review	Workplace Violence
Asset Forfeiture (05)	Elder/Dependent Adult Abuse
Petition Re: Arbitration Award (11)	Election Contest
Writ of Mandate (02)	Petition for Name Change
Writ-Administrative Mandamus	Petition for Relief From Late Claim
Writ-Mandamus on Limited Court Case	Other Civil Petition
Case Matter	
Writ—Other Limited Court Case	
Review	
Other Judicial Review (39)	
Review of Health Officer Order	
Notice of Appeal—Labor Commissioner Appeals	

CIVIL CASE COVER SHEET